

## § 76.6

## 40 CFR Ch. I (7–1–12 Edition)

(b) The owner or operator shall determine the annual average NO<sub>x</sub> emission rate, in lb/mmBtu, using the methods and procedures specified in part 75 of this chapter.

(c) Unless the unit meets the early election requirement of § 76.8, the owner or operator of a coal-fired substitution unit with a tangentially fired boiler or a dry bottom wall-fired boiler (other than units applying cell burner technology) that satisfies the requirements of § 76.1(c)(2), shall comply with the NO<sub>x</sub> emission limitations that apply to Group 1, Phase II boilers.

(d) The owner or operator of a Phase I unit with a cell burner boiler that converts to a conventional wall-fired boiler on or before January 1, 1995 or, for a unit subject to section 404(d) of the Act, the date the unit is required to meet Acid Rain emissions reduction requirements for SO<sub>2</sub> shall comply, by such respective date or January 1, 1996, whichever is later, with the NO<sub>x</sub> emissions limitation applicable to dry bottom wall-fired boilers under paragraph (a) of this section, except as provided in paragraphs (c) or (e) of this section or in § 76.10, 76.11, or 76.12.

(e) The owner or operator of a Phase I unit with a Group 1 boiler that converts to a fluidized bed or other type of utility boiler not included in Group 1 boilers on or before January 1, 1995 or, for a unit subject to section 404(d) of the Act, the date the unit is required to meet Acid Rain emissions reduction requirements for SO<sub>2</sub> is exempt from the NO<sub>x</sub> emissions limitations specified in paragraph (a) of this section, but shall comply with the NO<sub>x</sub> emission limitations for Group 2 boilers under § 76.6.

(f) Except as provided in § 76.8 and in paragraph (c) of this section, each unit subject to the requirements of this section is not subject to the requirements of § 76.7.

[60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67162, Dec. 19, 1996]

### § 76.6 NO<sub>x</sub> emission limitations for Group 2 boilers.

(a) Beginning January 1, 2000 or, for a unit subject to section 409(b) of the Act, the date on which the unit is required to meet Acid Rain emission reduction requirements for SO<sub>2</sub>, the

owner or operator of a Group 2, coal-fired boiler with a cell burner boiler, cyclone boiler, a wet bottom boiler, or a vertically fired boiler shall not discharge, or allow to be discharged, emissions of NO<sub>x</sub> to the atmosphere in excess of the following limits, except as provided in §§ 76.10 or 76.11:

(1) 0.68 lb/mmBtu of heat input on an annual average basis for cell burner boilers. The NO<sub>x</sub> emission control technology on which the emission limitation is based is plug-in combustion controls or non-plug-in combustion controls. Except as provided in § 76.5(d), the owner or operator of a unit with a cell burner boiler that installs non-plug-in combustion controls shall comply with the emission limitation applicable to cell burner boilers.

(2) 0.86 lb/mmBtu of heat input on an annual average basis for cyclone boilers with a Maximum Continuous Steam Flow at 100% of Load of greater than 1060, in thousands of lb/hr. The NO<sub>x</sub> emission control technology on which the emission limitation is based is natural gas reburning or selective catalytic reduction.

(3) 0.84 lb/mmBtu of heat input on an annual average basis for wet bottom boilers, with a Maximum Continuous Steam Flow at 100% of Load of greater than 450, in thousands of lb/hr. The NO<sub>x</sub> emission control technology on which the emission limitation is based is natural gas reburning or selective catalytic reduction.

(4) 0.80 lb/mmBtu of heat input on an annual average basis for vertically fired boilers. The NO<sub>x</sub> emission control technology on which the emission limitation is based is combustion controls.

(b) The owner or operator shall determine the annual average NO<sub>x</sub> emission rate, in lb/mmBtu, using the methods and procedures specified in part 75 of this chapter.

[62 FR 67162, Dec. 19, 1996; 62 FR 3464, Jan. 23, 1997; 62 FR 32040, June 12, 1997; 64 FR 55838, Oct. 15, 1999]

### § 76.7 Revised NO<sub>x</sub> emission limitations for Group 1, Phase II boilers.

(a) Beginning January 1, 2000, the owner or operator of a Group 1, Phase II coal-fired utility unit with a tangentially fired boiler or a dry bottom wall-fired boiler shall not discharge, or

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allow to be discharged, emissions of NO<sub>x</sub> to the atmosphere in excess of the following limits, except as provided in §§ 76.8, 76.10, or 76.11:

(1) 0.40 lb/mmBtu of heat input on an annual average basis for tangentially fired boilers.

(2) 0.46 lb/mmBtu of heat input on an annual average basis for dry bottom wall-fired boilers (other than units applying cell burner technology).

(b) The owner or operator shall determine the annual average NO<sub>x</sub> emission rate, in lb/mmBtu, using the methods and procedures specified in part 75 of this chapter.

[60 FR 18761, Apr. 13, 1995, as amended at 61 FR 67163, Dec. 19, 1996]

### § 76.8 Early election for Group 1, Phase II boilers.

(a) *General provisions.* (1) The owner or operator of a Phase II coal-fired utility unit with a Group 1 boiler may elect to have the unit become subject to the applicable emissions limitation for NO<sub>x</sub> under § 76.5, starting no later than January 1, 1997.

(2) The owner or operator of a Phase II coal-fired utility unit with a Group 1 boiler that elects to become subject to the applicable emission limitation under § 76.5 shall not be subject to § 76.7 until January 1, 2008, provided the designated representative demonstrates that the unit is in compliance with the limitation under § 76.5, using the methods and procedures specified in part 75 of this chapter, for the period beginning January 1 of the year in which the early election takes effect (but not later than January 1, 1997) and ending December 31, 2007.

(3) The owner or operator of any Phase II unit with a cell burner boiler that converts to conventional burner technology may elect to become subject to the applicable emissions limitation under § 76.5 for dry bottom wall-fired boilers, provided the owner or operator complies with the provisions in paragraph (a)(2) of this section.

(4) The owner or operator of a Phase II unit approved for early election shall not submit an application for an alternative emissions limitation demonstration period under § 76.10 until the earlier of:

(i) January 1, 2008; or

(ii) Early election is terminated pursuant to paragraph (e)(3) of this section.

(5) The owner or operator of a Phase II unit approved for early election may not incorporate the unit into an averaging plan prior to January 1, 2000. On or after January 1, 2000, for purposes of the averaging plan, the early election unit will be treated as subject to the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under § 76.7.

(b) *Submission requirements.* In order to obtain early election status, the designated representative of a Phase II unit with a Group 1 boiler shall submit an early election plan to the Administrator by January 1 of the year the early election is to take effect, but not later than January 1, 1997. Notwithstanding § 72.40 of this chapter, and unless the unit is a substitution unit under § 72.41 of this chapter or a compensating unit under § 72.43 of this chapter, a complete compliance plan covering the unit shall not include the provisions for SO<sub>2</sub> emissions under § 72.40(a)(1) of this chapter.

(c) *Contents of an early election plan.* A complete early election plan shall include the following elements in a format prescribed by the Administrator:

(1) A request for early election;

(2) The first year for which early election is to take effect, but not later than 1997; and

(3) The special provisions under paragraph (e) of this section.

(d)(1) *Permitting authority's action.* To the extent the Administrator determines that an early election plan complies with the requirements of this section, the Administrator will approve the plan and:

(i) If a Phase I Acid Rain permit governing the source at which the unit is located has been issued, will revise the permit in accordance with the permit modification procedures in § 72.81 of this chapter to include the early election plan; or

(ii) If a Phase I Acid Rain permit governing the source at which the unit is located has not been issued, will issue a Phase I Acid Rain permit effective from January 1, 1995 through December 31, 1999, that will include the early